

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION) MDL 2804
THIS DOCUMENT RELATES TO:) Case No. 1:17-md-2804
Track Three Cases) Judge Dan Aaron Polster
) NOTICE AND ORDER
)

The Court hereby gives notice to the parties as follow. On December 4, 2020, Special Master Cohen sent the following to counsel via email on behalf of the Court:

In light of the worsening statistics regarding the ongoing COVID-19 pandemic, the Court is increasingly concerned that the May 2020 date for a jury trial will not hold. Further, the Court is aware that the parties need to arrange for non-refundable hotel space, airfare, and so on, months in advance of trial, so that a change in trial date should be announced as soon as possible.

Moreover, current reports regarding the probable timing of the functional end of the pandemic suggest this will not occur until early in the fourth quarter of 2021*, so postponement of only a month or two may not be enough; and at the same time, the Court wants trial to be finished before Thanksgiving of 2021. Accordingly, the Court hereby informs you that the existing May 10, 2021 trial date for opening statements will be moved to **October 4, 2021**. It is the Court's strong hope and expectation that, with this extension, the pandemic will no longer be a factor by then.

The Court also understands from Special Master Cohen that more time to complete fact discovery could be helpful. Of course, a discovery deadline extension would affect other case management deadlines. Therefore, the Court directs the parties to meet and confer and submit to the Court on **December 9, 2020**, proposed modified dates for the remaining case management deadlines listed in Sections E, F, G, H, I & K of the CMO, assuming the new trial date stated above.

Please note, however, that: (1) although the Court is asking for new proposed deadlines, none of the obligations, themselves, will change; (2) even though the trial date will be postponed by about 5 months, the CMO deadlines should be

extended only as much as necessary to allow orderly progression of the case, and no deadline should be extended more than about 4 months**; and (3) the parties should continue with all currently-scheduled Track Three depositions, unless they are canceled by agreement or with permission from Special Master Cohen.

Thanks in advance for working together to provide an amended agreed proposed schedule.

- David

* <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/when-will-the-covid-19-pandemic-end>

** The new dates for the deadlines listed at section K.16-18 and L.1 of the CMO, however, should be the same number of days before opening statements as are currently imposed.

/s/ Dan Aaron Polster December 4, 2020
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE